IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 9TH JULY 2007 / 18TH ASHADHA 1929

AR.No. 8 of 2007()

PETITIONER:

K.J.PRAKASH,
K.J.CABLES, KULATHIL, KAKKOOR KARA,
NATTAKAM P.O., KOTTAYAM.

BY ADV. SRI.K.JAJU BABU
SMT.M.U.VIJAYALAKSHMI

RESPONDENT:

ASIANET SATELLITE COMMUNICATIONS (P)
LTD., 3RD FLOOR, CENTRE PLAZA,
VAZHUTHACAUD, THIRUVANANTHAPURAM-695 014,
REP. BY ITS SENIOR GENERAL MANAGER (MARKETING).

BY ADV. SRI.V.GIRI
SRI.SAJI VARGHESE.

THIS ARBITRATION REQUEST HAVING BEEN FINALLY HEARD ON 09/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

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ARBITRATION REQUEST No.8 OF 2007

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DATED THIS THE 9th JULY, 2007

O R D E R

This request under Section 11 of the Arbitration and Conciliation Act, 1996 has been filed by the petitioner, a cable TV operator who had entered into a franchisee agreement with the respondent M/s.Asianet Satellite Communications (P) Ltd., for the appointment of an arbitrator for settling the disputes which have arisen between the parties over the franchisee agreement which is produced as Annexure-A. Clause 21 of Annexure-A contains arbitration clause. Annexure-B is the claim notice dated 7.7.2005 which was sent to the respondent on behalf of the petitioner claiming Rs.14,66,750/-. Thereafter, Annexure-C notice dated 8.8.2005 invoking the arbitration clause by naming five persons as arbitrators was sent. Averring that the respondent has not chosen to nominate any arbitrator in accordance with Annexure-A agreement and that the respondent has not agreed to the names suggested by the petitioner, the present request is filed.

2. No counter-statement has been filed by the respondent so far. A case is made out for invocation of the appointment procedure envisaged by Section 11 of the Arbitration and Conciliation Act. The

Arbitration Request will stand allowed.

Sri.Somachoodan Nair, Retired District Judge, Near St.Martin's Church, Palarivattom, Kochi-25 is appointed as arbitrator to settle the disputes between the parties covered by Annexure-C claim notice and which are subject-matter of the Arbitration Request. The Arbitrator will enter on reference at his earliest and pass award.

(PIUS C.KURIAKOSE, JUDGE)

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